

1 identification a document titled "Testimony of Philip David
2 Espanoza." The document consists of 19 pages of testimony
3 plus a supporting declaration plus two tabs, letters A and B,
4 and I ask that that be marked for identification as TBF
5 Exhibit 105.

6 JUDGE CHACHKIN: 106.

7 MR. TOPEL: 106. I apologize, Your Honor, 106.

8 JUDGE CHACHKIN: The documents will be so marked.

9 (The document that was referred
10 to as TBF Exhibit No. 106 was
11 marked for identification.)

12 MR. TOPEL: And, Your Honor, I offer TBF Exhibit 105
13 into evidence.

14 JUDGE CHACHKIN: All right. Any objections to 105?

15 MR. COHEN: Not very many, Your Honor. Could I have
16 a second --

17 JUDGE CHACHKIN: Yes.

18 MR. COHEN: -- to get myself together? My first
19 objection, Your Honor, is in paragraph 27.

20 JUDGE CHACHKIN: What page is that?

21 MR. COHEN: 17.

22 JUDGE CHACHKIN: All right. What is the objection?

23 MR. COHEN: It seems to me the way I read paragraph
24 27 is Mr. May is using the Los Angeles Times article for the
25 truth of the proposition asserted and it's -- it will be

1 clearly -- it's improper to admit it for that purpose and I
2 just want assurances that that's not the purpose for which
3 it's being offered.

4 MR. TOPEL: Your have those assurances, Mr. Cohen.
5 It's offered for Mr. Cohen's belief.

6 MR. COHEN: Mr. May's belief.

7 MR. TOPEL: Mr. May's belief. I wish it were
8 Mr. Cohen's belief.

9 MR. COHEN: My belief doesn't count at all.

10 JUDGE CHACHKIN: In any event, I will limit it -- it
11 will be limited to that purpose.

12 MR. SHOOK: All right. Mr. Cohen, which --

13 JUDGE CHACHKIN: Paragraph 27.

14 MR. SHOOK: Okay. Your Honor, with respect to
15 paragraph 26 on page 17, the sentence that begins -- it would
16 be about seven or eight lines up from the end of the
17 paragraph, "Mr. Stewart told me that he was interested in,"
18 etc., that that be limited to state of mind as opposed to the
19 truth of the matter asserted.

20 JUDGE CHACHKIN: It will be so limited. Any further
21 objections?

22 MR. COHEN: Paragraph 31.

23 JUDGE CHACHKIN: Yes.

24 MR. COHEN: The last sentence, "These mistakes were
25 not intentional." That's a conclusion that you need to reach,

1 Your Honor.

2 JUDGE CHACHKIN: Whose mistakes is he talking about?
3 His mistakes?

4 MR. TOPEL: Yes, Your Honor. The introductory
5 sentence, "I was responsible for drafting the application."
6 This is the same discussion we had and I think you indicated
7 --

8 JUDGE CHACHKIN: I'll overrule the objection,
9 recognizing it's self-serving, but I'll allow it in.

10 MR. COHEN: And then the last sentence in the, in
11 the exhibit is also egregiously self-serving and I object on
12 that basis.

13 JUDGE CHACHKIN: The last sentence in what --

14 MR. COHEN: 33.

15 JUDGE CHACHKIN: The last sentence in 33 will be
16 stricken as irrelevant.

17 MR. COHEN: That's all I have.

18 JUDGE CHACHKIN: Does the Bureau have any
19 objections?

20 MR. SHOOK: No, Your Honor.

21 JUDGE CHACHKIN: All right. TBF Exhibit 105 is
22 received.

23 (The document that was previously
24 marked for identification as TBF
25 Exhibit No. 105 was received into

1 evidence.)

2 JUDGE CHACHKIN: Let's go. As far as the tabs, any
3 objections to any of the tabs?

4 MR. COHEN: Can we go through them? I don't think
5 so, Your Honor.

6 JUDGE CHACHKIN: Well --

7 MR. COHEN: No objection to A.

8 JUDGE CHACHKIN: All right. Tab A is received.

9 MR. COHEN: None to B.

10 JUDGE CHACHKIN: B is received.

11 MR. COHEN: None to C.

12 JUDGE CHACHKIN: C is received.

13 MR. COHEN: None to D.

14 JUDGE CHACHKIN: D is received.

15 MR. COHEN: Now, what a minute. Now, I think I -- E
16 I object to.

17 JUDGE CHACHKIN: All right. Let's move on. Any --
18 let's take F then.

19 MR. COHEN: No objection to F.

20 JUDGE CHACHKIN: F is received.

21 MR. COHEN: No objection to G.

22 JUDGE CHACHKIN: G is received.

23 MR. COHEN: None to H.

24 JUDGE CHACHKIN: H is received.

25 MR. COHEN: None to, none to I.

1 JUDGE CHACHKIN: I is received.
2 MR. COHEN: What is J? J is a blank form. No
3 objection to J.
4 JUDGE CHACHKIN: J is received.
5 MR. COHEN: No objection to K.
6 JUDGE CHACHKIN: K is received.
7 MR. COHEN: L is the Designation Order. No. Is
8 that --
9 MR. TOPEL: Yes.
10 MR. COHEN: That's the Designation --
11 MR. TOPEL: It is. It's referred to his testimony
12 and it's supplied.
13 MR. COHEN: Okay. I have no objection.
14 JUDGE CHACHKIN: L is received.
15 MR. COHEN: No objection to M.
16 JUDGE CHACHKIN: M is received.
17 MR. COHEN: None to N.
18 JUDGE CHACHKIN: N is received.
19 MR. COHEN: Or O.
20 JUDGE CHACHKIN: O is received.
21 MR. COHEN: Or P.
22 JUDGE CHACHKIN: P is received.
23 MR. COHEN: Or Q.
24 JUDGE CHACHKIN: Q is received.
25 MR. COHEN: R is coming in for a limited purpose.

1 JUDGE CHACHKIN: Yes. R is received.
2 MR. COHEN: And no objection to S.
3 JUDGE CHACHKIN: S is received.
4 MR. COHEN: Or T.
5 JUDGE CHACHKIN: T is received.
6 MR. COHEN: Or U.
7 JUDGE CHACHKIN: U is received.
8 MR. COHEN: V.
9 JUDGE CHACHKIN: D is --
10 MR. COHEN: V.
11 JUDGE CHACHKIN: V is received. All right. The
12 only one you have objected to is --
13 MR. COHEN: F in it's not relevant -- E.
14 JUDGE CHACHKIN: E. I'm sorry. E.
15 MR. COHEN: That's not relevant.
16 MR. TOPEL: Well, Your Honor, there was no objection
17 to the testimony to which the exhibit relates.
18 JUDGE CHACHKIN: I thought there was objection.
19 MR. COHEN: Well, maybe I slipped up. Where is that
20 then?
21 MR. TOPEL: I think it's too late. You've received
22 the exhibit.
23 MR. COHEN: Well --
24 JUDGE CHACHKIN: Well --
25 MR. COHEN: -- the judge has the power here --

1 MR. TOPEL: He does.

2 MR. COHEN: -- Mr. Topel, in case you don't know it.

3 MR. TOPEL: I know it. Believe me, Mr. Cohen, I
4 know who's in charge.

5 MR. COHEN: Which -- page 8?

6 MR. SHOOK: Paragraph 14.

7 MR. COHEN: Can I just have a minute, Your Honor?

8 JUDGE CHACHKIN: Yes. It just merely --

9 MR. COHEN: Yes. I have no objection to that.

10 JUDGE CHACHKIN: All right. So Tab E is received.

11 All right. We'll be in recess until tomorrow morning where we
12 will start with Exhibit 106.

13 MR. EMMONS: Oh. Your Honor, I think you were -- I
14 heard you talking about maybe S.A.L.A.D. and Mr. Honig has not
15 yet been reached on that, but it may be that we'll come in in
16 the morning and be ready to start with that if that's okay.

17 JUDGE CHACHKIN: I have no problem with that.

18 Apparently both parties are agreeable to that. Are they?

19 Mr. Cohen, you have no problem?

20 MR. COHEN: I have no objection.

21 JUDGE CHACHKIN: All right. We're now recessed.

22 (Whereupon, off the record at 4:00 p.m. to reconvene
23 December 2, 1993, at 9:30 a.m.

24

25

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

IN THE MATTER OF TRINITY BROADCASTING OF FLORIDA, INC.

Name AND GLENDALE BROADCASTING COMPANY

MM DOCKET NO. 93-75

Docket No.

WASHINGTON, D.C.

Place

DECEMBER 1, 1993

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 573 through 778, inclusive, are the true, accurate and complete transcript prepared from the reporting by ALICE WEHNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

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